

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David Arsenault

Art Unit : 2143

Serial No. : 09/693,840

Examiner : Thomas J. Mauro Jr.

Filed : October 23, 2000

Title : PROCESSING SELECTED BROWSER REQUESTS

Mail Stop Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, Applicant responds to the Examiner's Answer as follows. Initially, Applicant notes that no grouping of claims was required in the Appeal Brief. The Examiner's Answer refers to 37 CFR 1.192(c)(7) when stating that the rejection of claims 7-11, 18-22, and 29-72 stand or fall together because no grouping of claims was provided in the Appeal Brief. 37 CFR 1.192(c)(7) was no longer in effect when this appeal was initiated and the Appeal Brief filed. Instead, 37 CFR 41.37(c)(1) is applicable to the requirements of the Appeal Brief in this case. Accordingly, Applicant expects that the claims rejected under 35 USC 102 will be considered separately from the claims rejected under 35 USC 103.

The Examiner's Answer responds to (1) Applicant's argument that the combination of U.S. Patent No. 6,490,602 (Kraemer) and U.S. Patent No. 6,564,243 (Yedidia) does not teach or suggest all of the claim limitations of independent claims 34, 43, and 52; (2) Applicant's argument that there is no motivation to combine Yedidia and Kraemer in the manner suggested by the rejection; and (3) Applicant's argument that Kraemer does not teach or suggest all of the limitations of claims 7, 18, and 29.

1. The combination of Kraemer and Yedidia fails to disclose all of the claim limitations of independent claims 34, 43, and 52.

With respect to the first item, the reply brief asserts that the combination of Yedidia and Kraemer does indeed disclose determining whether a destination resource in a browser request matches a selected destination resource, and directing the browser request to a server other than a destination server when this is the case. To support this assertion, the reply brief relies on Yedidia as showing that the browser request is directed to content injector and storage device 54.

Examiner's Answer, page 17, lines 1-4. This does not teach or suggest directing the request in the manner claimed. Thus, when the subject matter of the claims are considered as a whole, the combination of Kraemer and Yedidia, even if it were proper, does not render obvious claims 34, 43, and 52.

In general, the subject matter of claims 34, 43, and 52 includes (1) intercepting a browser request, (2) determining whether a destination network resource specified by the browser request matches a selected resource, (3) when there is a match, directing the browser request to a server other than the destination server, and (4) processing the request at the other server so that a toolbar and the destination resource are displayed.

Simply, neither Yedidia or Kraemer teaches or suggests intercepting a request, determining whether the resource specified in the request matches a selected resource and, if so, directing the request to a server other than the destination server, where the request is process. Therefore, any combination of the two, even if it were proper, would not provide for all of the claim limitations.

Kraemer describes a system in which a client device 120 connects to an enhanced functionality server 100. The user can then use a browser to request webpages on websites 130, with the requests first being intercepted by the enhance functionality server 100. The enhanced functionality server 100 then processes the request by retrieving the requested webpage, adding a toolbar to the webpage, and then delivering the webpage and toolbar to the browser.

All of this processing occurs at the enhanced functionality server 100. Therefore, enhanced functionality server does not determine whether the requested webpage matches a selected webpage; send to the request to another server (other than the destination server) when the requested webpage matches the selected webpage; and process the request at the other server.

Yedidia does not remedy this deficiency. In Yedidia, the content injector 40 intercepts the request, determines whether external content should be added, and processes the request to add the content. The content injector 40 is therefore responsible for both the evaluating of the addition policy and the processing when additional content is to be added. Thus, once content injector 40 intercepts the request, the request is not directed to another server. Accordingly, content injector 40 does not determine whether the webpage matches a selected webpage and

then direct the request to another server to process the request when the requested webpage matches the selected webpage.

As such, any combination of Yedidia and Kraemer fails to provide for all of the limitations of claims 34, 43, and 52 and, accordingly, fails to render claims 34, 43, and 52 and the claims that depend from them, obvious. Thus, for at least this reason, the rejections of these claims should be reversed.

2. A combination of Kraemer and Yedidia as suggested by the Examiner is improper because it would be directly contrary to the teachings of Kraemer and the intended use of Kraemer's invention.

With respect to the second item, the Examiner's Answer acknowledges that "Kraemer teaches providing a toolbar for *any* product or vendor webpage the user may visit." Examiner's Answer, page 18, lines 5-6. However, the Examiner's Answer further contends that one of skill in the art would have been motivated to "provide a selective mechanism" as described in Yedidia because it would allow "more control and customization within the system to have criteria which specifies what sites to inject content into." Examiner's Answer, page 18, lines 7-12. But, providing control over which sites to inject content is directly contrary to providing a toolbar for *any* product or vendor webpage the user may visit. Thus, adding the selective mechanism of Yedidia would be directly contrary to Kraemer's goal of providing the toolbar to any product or vendor webpage the user may visit.

Therefore, the combination of Kraemer and Yedidia is improper and, accordingly, fails to establish a *prima facie* case of obviousness for independent claims 34, 43, and 52, and the claims that depend from them, for at least this reason. Consequently, the rejections of claims 34, 43, and 52, and the claims that depend from them, should be reversed.

3. Kraemer fails to disclose all of the claim limitations of independent claims 7, 18, and 29.

With respect to the last item, the office action asserts that Kraemer discloses that the "[e]nhance functionality service only provides [toolbars] to product webpages" and, therefore,

“the enhance functionality server would need to determine the destination network resource and determine if it is/isn't an [sic] product vendor/retailer to determine whether to add merchant toolbar, thus meeting the claimed limitation that the toolbar is added to the webpage when the browser request specifies a selected destination network resource, the selected destination resource being the subset of retailers/vendors/product webpages, out of the set of all possible webpages.” Examiner's Answer, page 4, line 5-6; page 15, lines 4-9.

However, Kraemer does not disclose that the toolbar is added only to product webpages, and therefore does not teach determining whether the webpage is a product webpage. To the contrary, Kraemer suggests that the toolbar is added to any webpage once a user connects to the enhanced functionality server. Therefore, Kraemer does not expressly or inherently disclose that the toolbar is added to the webpage when the browser request specifies a selected destination network resource.

Apparently to support the assertion that Kraemer discloses that the enhance functionality service only provides toolbars for product webpages, the Office Action notes that, “Kraemer teaches that a toolbar is added to any websites associated with an independent source, defined by Kraemer as a product vendor, retailer or merchant.” Examiner's Answer, page 14, lines 14-15. Yet, Kraemer does not define independent sources solely as a product vendor, retailer or merchant, and therefore does not imply that the toolbar is added only to product websites. Rather, Kraemer states that “[i]ndependent sources 130 *may* be webpages associated with independent retailers or vendors.” Kraemer, col. 2, lines 48-50. Moreover, nowhere in Kraemer is it disclosed that the toolbar is provided only for product webpages.

Furthermore, as noted in the Examiner's Answer, Kraemer does not describe “determining whether the destination resource [in the request] matches a selected destination resource” or “comparing the destination network resource specified to a list of selected destination resources to determine if a match exists.” Examiner's Answer, page 7, lines 7-8 & page 9, lines 13-14. Nor does Kraemer describe any other techniques that determine whether a webpage is a product webpage before providing the toolbar on the webpage. Consequently, Kraemer does not and can not disclose that the toolbar is provided only when the webpage is a product webpage.

Moreover, Kraemer suggests that the toolbar is always added to webpages once a user connects to the enhanced functionality server 100. Kraemer seeks to make the toolbar available for "any product or vendor" webpage the user may visit. Kraemer, Col. 3, Lines 28-29 (emphasis added). This is acknowledged in the Examiner's Answer. Examiner's Answer, page 19, lines 5-6 ("Kraemer teaches providing a toolbar for any product or vendor webpage the user may visit."). To practically make the toolbar available for any product or vendor webpage the user may visit, the toolbar would need to be provided for all webpages accessed by the user after connecting to the enhance functionality server.

Accordingly, Kraemer does not disclose all of the limitations of independent claims 7, 18, and 29 and, consequently, does not anticipate independent claims 7, 18, and 29, or the claims that depend from them. For at least the foregoing reasons, Applicant requests that the rejections of these claims be reversed.

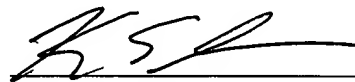
For these reasons, and the reasons stated in the Appeal Brief, Applicant submits that the final rejection should be reversed.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: _____

6/8/05



Kevin E. Greene
Reg. No. 46,031

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331